

REMARKS

Claims 3-24 were previously pending in this application. Applicant has added new claim 25. Accordingly, claims 3-25 are now pending.

The Examiner has objected to claims 3, 6, 12, 23 and 24 for failing to illustrate the recited “insulating plugs” in the drawings. The Examiner has also objected to claim 13, 14-17 and 22-23 for failing to illustrate the recited “third and fourth connection mechanisms” in the drawings. Finally, the Examiner has rejected claims 3-24 under 35 U.S.C. §103 in light of the admitted prior art (“APA”) set forth in the background section of the application. Applicant requests reconsideration in light of the remarks set forth below.

Specification

Applicant has amended the specification to match a change in the reference numbering in the drawings (described below) to correct for duplicative use of reference numbers 134 and 136.

Drawings

Applicant has amended the drawings to correct for the duplication of reference numbers 134 and 136. Specifically, Applicant has renumbered the customer premises tip and ring lines 134 and 136, respectively, to be references 135 and 137, respectively.

Applicant traverses the Examiner’s objection to the drawings. With respect to claims 3, 6, 12, 23 and 24, the Examiner indicates that the recited “insulating plugs” must be shown. Figures 1 and 2 of the application are schematic drawings of the inventive terminal block. Accordingly, the terminal block is shown in functional terms, as opposed to a “realistic” rendering of the actual physical components.

Indeed, the terminals and normally-closed switches in Figures 1 and 2, for example, are illustrated using commonly-understood symbols, not “realistic” renderings of the physical configurations of those components. The recited “insulating plugs” are described as being configured to be inserted into the normally closed switches to open the normally-closed contacts. The particular configuration of the insulating plug is not germane to the claimed invention. Indeed, the particular physical configuration of the insulating plug would depend upon the particular normally-closed contact used, which is not specified. Moreover, the background of the invention indicates that insulating plugs themselves were well known in the art. *See, e.g.,* page 2, lines 21-22. Because the insulating plugs are described functionally in the application and because their particular configuration is not germane to the invention, Applicant submits that it is not necessary to illustrate a particular embodiment of the recited “insulating plugs.”

With respect to claims 13, 14-17 and 22-23, the Examiner states that the “third and fourth connection mechanisms” are not shown. Applicant respectfully disagrees. Figure 2 shows the recited third connection mechanism comprised of normally-closed contact 274 in series between terminals 210 and 226 and normally-closed contact 276 in series between terminals 212 and 228. Similarly, Figure 2 shows the recited fourth connection mechanism comprised of normally-closed contact 290 in series between terminals 242 and 258 and normally closed contact 292 in series between terminals 244 and 260. The related description of the “third and fourth connection mechanisms” is at pages 7-8 and 10-13 of the specification, as well as in original claims 13-17 and 20-23. Applicant submits that the Examiner mistakenly assumed that the recited “third and fourth connection mechanisms” function to “connect third and fourth service providers to a customer.” *See, Office Action, p.2.* Rather, the “third and fourth connection mechanisms” relate to operation of optional ancillary equipment. *See, Specification, pp.10-11.*

Therefore, Applicant respectfully requests that the Examiner withdraw his objections to the drawings.

Rejections Under 35 U.S.C. §103

The Examiner has rejected all of the pending claims in light of the Applicant's description of admitted prior art ("APA") in the "background" section of the application. The APA teaches a terminal block configured to connect a customer to a single service provider and ancillary equipment. *See*, p.2, lines 13-15. The APA terminal block includes several normally closed contacts, which may be opened by inserting an insulating plug therein **for the purpose of testing and diagnostic purposes only**. *See*, p.2, lines 19-21. The insulating plugs are removed during normal operation of the system. Indeed, if any of the insulating plugs were left in place, the system using the APA terminal block would not work.

In contrast, the claimed terminal block is for easily connecting a customer to any one of a plurality of service providers. The claimed terminal block recites multiple sets of normally-closed contacts that are selectively opened by insulating plugs, depending on which of the service providers is to be connected. During normal operation of the system, at least one set of the normally-closed contacts are held open by insulating plugs. Thus, unlike the APA, the inventive terminal block not only includes **multiple sets of normally-closed contacts**, but also, the recited insulating plugs are in place to disable at least one set of the normally-closed contacts **during normal operation of the system**.

The Examiner does not dispute the above-described shortcomings of the APA. Instead, the Examiner argues that the claimed invention would have been obvious to construct in light of the APA. Applicant respectfully submits that the Examiner's position can only be based on the inappropriate application of hindsight in light of the Applicant's disclosure. The teaching or suggestion to make the claimed invention must be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 94 F.2d 488 (Fed. Cir. 1991). The Examiner has not cited any combination of prior art references having all of the recited features of the pending claims. Further, the Examiner has not identified any suggestion in the prior art to modify the single connection terminal block APA into a multiple connection terminal block as in the pending claims. Further, the Examiner has not identified any suggestion in the APA

to modify the use of the insulating plugs from their admitted temporary role in testing and diagnostics to a continuing role during normal operation of the system. Although a prior art device “may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.” *In re Mills*, 916 F.2d 680 (Fed. Cir. 1992). Here, the Examiner has not identified any suggestion in the prior art to modify the APA as the Examiner proposes. Therefore, Applicant respectfully submits that the §103 rejection is not supported and should be withdrawn.

New Claim 25

New claim 25 recites a method for connecting a customer with any of a plurality of telecommunications service providers, comprising the steps of (1) providing a terminal block having a first connection mechanism and a second connection mechanism, each connection mechanism having normally-closed contacts, and each connection mechanism connecting a customer to a different service provider when not disabled; and (2) inserting one or more insulating plugs into at least one of the normally-closed contacts, so that either the first connection mechanism or the second connection mechanism is disabled during a time when the customer receives telecommunications service. As stated above, the Examiner has not identified any prior art reference, including the APA, that discloses or suggests inserting insulating plugs in normally-closed contacts to disable connection to a given service provider **during a time when the customer receives telecommunications service.** Rather, the APA relied upon by the Examiner indicates that the insulating plugs are used only for testing and diagnostics. Thus, for at least this reason, new claim 25 is allowable over the cited prior art.

CONCLUSION

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Any fees associated with the filing of this paper should be identified in an accompanying transmittal. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge our Deposit Account No. 07-2347, under Order No. 00-VE13.37 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: November 9, 2004

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